



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Grooms *et al.*

Serial No.: 09/701,933

Filed: 8/25/1998

Title: "Cortical Bone Cervical Smith-Robinson Fusion Implant"

Attorney Docket No.: TB1-04IA-US

Assistant Commissioner for Patents  
Washington, D.C. 20231

Group Art Unit: Unknown

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OF #10

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.97(b), or

(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)

under 37 CFR 1.97(c) together with either a:

Certification under 37 CFR 1.97(e), or

a \$240.00 fee under 37 CFR 1.17(p), or

(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with a:

Certification under 37 CFR 1.97(e), and

a petition under 37 CFR 1.97(d)(2)(ii), and

a \$130.00 petition fee set forth in 37 CFR 1.17(i)(1).

(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation together with copies, of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

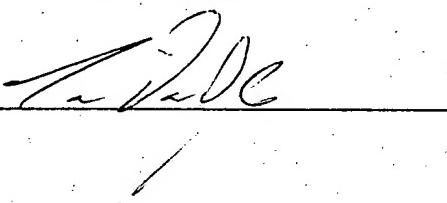
The relevance of the attached references is that this is the closest art of which Applicant is aware. Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

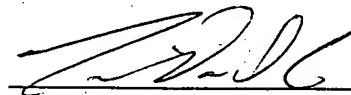
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 11-15-2001

Typed Name: Timothy H. Van Dyke

Signature: 

Respectfully submitted,

  
\_\_\_\_\_  
Timothy H. Van Dyke  
Attorney/Agent for Applicant(s)  
Reg. No. 43218

Date: 11-15-2001

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Substitute for form 1449A/PTO		APR 30 2003 U.S. PATENT AND TRADEMARK OFFICE		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	09/701,933
				Filing Date	8/25/1998
				First Named Inventor	Grooms et al.
				Group Art Unit	Unknown
				Examiner Name	Unknown
Sheet	1	of	2	Attorney Docket Number	

**U.S. PATENT DOCUMENTS**

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## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Substitute for form 1449B/PTO		<i>APR 3 0 2003</i>		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	09/701,933
(use as many sheets as necessary)				Filing Date	8/25/1998
				First Named Inventor	Grooms <i>et al.</i>
				Group Art Unit	Unknown
				Examiner Name	Unknown
Sheet	2	of	2	Attorney Docket Number	TB-104IA-US

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		BAILEY, R.W., and BADGLEY, L.E. "Stabilization of the Cervical Spine by Anterior Fusion." J. Bone and Joint Surg. (1960) 42A: 565-594.	
		CLOWARD, R.B. "The Anterior Approach for Removal of Ruptured Cervical Discs." J. Bone and Joint Surg. (1958) 15: 602-617.	
		GROOMS et al. "Success of Surgery on the Anterior Cervical Spine: Smith-Robinson Technique vs. Internal Plates." Clinical Performance of Skeletal Prostheses (1996) L.L. Hench and J. Wilson Eds., Chapman & Hall.	
,		ROBINSON, R.A. et al. "The Results of Anterior Interbody Fusion of the Cervical Spine." J. Bone and Joint Surg. (1962) 44A: 1569-1587.	
		ROBINSON, R.A. and SMITH, G.W. "Anterolateral Cervical Disc Removal and Interbody Fusion for Cervical Disc Syndrome." Bull, John Hopkins Hosp. (1955) 96: 223-224.	
		SMITH, G.W. and ROBINSON, R.A. "The Treatment of Certain Cervical-Spine Disorders by Anterior Removal of the Intervertebral Disc and Interbody Fusion." J. Bone and Joint Surg. (1958) 40A: 607-623.	
		WHITE, A.A. III, and HIRSH, C. "An Experimental Study of the Immediate Load Bearing Capacity of Some Commonly Used Iliac Bone Grafts." Acta Orthop. Scandanav. (1972) 42: 482-490.	
		WHITECLOUD, T.S. III and DUNSKER, S. "Anterior Cervical Spine Surgery, Principles and Techniques in Spine Surgery." Raven Press, N.Y. (1993).	
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Examiner Signature		Date Considered	
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11/15/2001

Docket No: TB-104IA-US  
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Filed: 8/25/1998

For Submission to the USPTO:

1. Information Disclosure Statement
2. Form PTO-1449
3. Copies of cited references (15 total).

Docket No: TB-104IA-US  
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JC03 Rec'd PTO/PTAB 03 DEC 2001

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